

Exhibit No. 1Date 2-9-07Bill No. SB 288

Senate Bill No. 288

Senator Trudi Schmidt

(Outline of testimony by Ken Stettler of the Utah Department of Human Services)

- Ken Stettler, Director of Utah Department of Human Services Office of Licensing
 - Member NARA (National Association of Regulatory Administration)
 - 30 years with the Utah Department of Human Services
 - 12 yrs. direct service to children and youth; 6yrs. Licensing; 12 years Administration
 - Consultant to several western States re: Residential and Outdoor youth programs
- Utah OL licenses residential, outpatient, day treatment, youth outdoor programs, foster care homes, foster care agencies, and adoption agencies and includes over 1000 licensed treatment and human care programs and agencies throughout the state that provide services such as specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, and habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, and those with physical and mental impairments, or chemical dependencies.
 - Over 1200 foster homes
 - 80 Child Placing Foster Agencies plus 800 foster homes.
 - 60 Adoption agencies.
 - over 32,000 annual background screens
- 20 years ago Utah was facing some of the same issues. In 1987 the Utah DHS Office of Licensing was created. We have experienced great success in Utah.
- Goal of licensing is consumer protection achieved through risk reduction.
- Licensure of human service programs allows government to enforce rules and regulations designed to help the badly operated programs become better, and restricting the operation of abusive or dangerous programs.
- NOTE : Dangerous and abusive programs will move to states that have no regulation.
- Passage of SB 288 can result in the:
 - Development of fair and appropriate health and safety regulations.
 - Enforcement by way of monitoring, complaint investigation, and sanctions.
- Successful development of fair and appropriate regulation for the licensure of human care programs involves the input of those who will be regulated.
- Licensing works!

PLEASE SUPPORT PASSAGE OF SB288

My name is Ken Stettler. I am member of the National Association of Regulatory Administration and am currently employed as the Director of the Office of Licensing for the Utah Department of Human Services. My office licenses programs in the State of Utah that provide residential, outpatient, and day treatment services to children and to vulnerable adults. We also license youth outdoor programs, foster care homes, foster care agencies, and adoption agencies. We currently have over 1000 licensed treatment and human care programs and agencies throughout the state that provide services such as specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, and habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, and those with physical and mental impairments, or chemical dependencies. We license over 1200 foster homes and 80 Child Placing Foster Agencies that in turn certify an additional 800 foster homes. We license over 60 Adoption agencies. We conduct annual background screens on over 32,000 people who provide direct care services to the clients in these settings.

I have worked for the Utah Department of Human Services for 30 years. The first 12 years I provided direct care and treatment services to children and delinquent youth. Since then I have been involved (in one form or another), with the licensure and regulation of all types of human care programs and services, including those programs for children and vulnerable adults in private pay settings. 20 years ago Utah was facing some of the same issues that you are facing here today. In 1987 the Utah State legislature created the Human Services Office of Licensing. Having been a program licensor for many years, and now as the Director of this office, I can assure you that we perform an extremely valuable protective service to the citizens of the State of Utah, and to those citizens of other states who come to Utah to utilize the services of one of the many private residential and outdoor programs that operate there. As a result of my experiences with youth outdoor programs, therapeutic schools, and "emotional growth" programs in the State of Utah, I have had the opportunity to provide consultation services to numerous states throughout the western United States regarding the licensure and regulation of these programs.

Licensing is the process by which a government agency regulates the activities of an enterprise that involves the public interest. It requires the applicant to comply with established life safety, program and staffing rules before opening and operating an agency, a program or practice, or before renewing an existing license. The goal is consumer protection, which is achieved through risk reduction. Typically states issue licenses for motor vehicle, truck, bus and boat drivers, or licenses for physicians, nurses, pharmacists, hairdressers, and even the veterinarians that care for our animals. The public places an expectation on government to provide protections of basic health, safety, humane care and treatment. A licensing agency that has the authority granted by their state legislature to promulgate appropriate and enforceable health and safety rules and standards of care, are in fact providing that protection.

Unfortunately, just as the issuance of drivers licenses and the presence of traffic enforcement officers will not guarantee that there will never be bad or dangerous drivers on our roads, the issuance of licenses to human service programs does not guarantee there will never be a bad or abusive program operate in your state. However, because you do license drivers you can enforce traffic regulations that are designed to help bad drivers become better drivers, or keep those dangerous drivers off the road entirely. Likewise, the licensure of human service programs allows government to enforce rules and regulations designed to help the badly operated programs become better, and the abusive or dangerous programs from continuing to operate in your state.

One case that occurred in Utah in recent years has a connection to your fine state of Montana. We had licensed an Outdoor Youth Wilderness Therapy program in the State of Utah about four years ago called High Peaks Wilderness, that we found to be violating our licensing rules to the extent that it was posing severe and immediate health and safety risks to the consumers of that program. These risks we felt were serious enough that rather than impose a license suspension or revocation, we would invoke our authority to file with the courts for an injunction and seek a temporary restraining order forcing the immediate closure of the program. We were granted the restraining order by the court, but rather than send their clients home or show up for the court hearings, the owners and operators of this program packed up and moved their operations and their clients here to Montana. They did this because they knew that your state did not yet have the regulations in place that would prevent them from operating the way they were accustomed. Fortunately we were able to get word to the parents of the youth in that program of the dangerous situation their children were in, and it resulted in them retrieving their children, and it lead to the eventual closure of this program.

But I assure you that there are other such programs that provide a dangerous and abusive environment for children. You as legislators for the great State of Montana hold the key that can make a difference in the lives of children and vulnerable adults that receive services in these programs. By passing SB 288 and thereby granting the authority for the development of fair and appropriate regulations that will provide for the health and safety of consumers of these services, and by further granting the authority for the enforcement of such regulations by way of program monitoring, complaint investigation, and imposing license sanctions, you will be providing the means to protect these citizens from harm and from the abuses that can be so prevalent in programs that otherwise lack this kind of oversight. I encourage you to listen to those program and service providers that are asking for the passage of this legislation and for the opportunity to be licensed and regulated by your state. They are the ones who are likely doing a good job of providing a safe and healthy environment for their clients, and desire your help in keeping the industry in Montana clean and above board. Beware of those programs that oppose this legislation and decry the idea of regulation. If they had nothing to hide, they would not want to continue hiding it.

I would simply like to close with a word of recommendation to those who would be charged with the authority to license these programs. Once this bill is passed into law, please be sure to include representatives from the programs and services that will be subject to this licensing law, in the process of developing the regulations that will govern them. If we truly are a government of the people, for the people, by the people, then it is government's responsibility to involve the people in the promulgation of the rules and regulations that will govern them, with the objective in mind that it is the primary role of government to protect the people. I know that this legislation is a major step toward the protection of citizens who in most cases would have no other way of protecting themselves. Licensing works. I know it works. I've seen it first hand, and I am dedicated to it. For this reason I have taken the time and expense to travel here today to encourage your vote to pass this legislation out of committee with a favorable recommendation.

I appreciate this opportunity to meet with you today and thank you for indulging my presence and allowing me to provide these comments. I'm sorry that I need to be leaving soon to catch a flight back to Salt Lake, but if time allows I'd be happy to respond to any questions you may have.